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December 14, 2020

VIA ECF

The Honorable Kiyo Matsumoto
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Greebel, S1 15 Cr. 637 (E.D.N.Y.) (KAM)

Dear Judge Matsumoto:

We respectfully submit this response to the Court's order dated December 7, 2020 granting Mr. Greebel "until December 14, 2020 to advise the court of any witnesses he intends to call." We are trying to help our client but we do not know how we can under the current circumstances.

First, we have not received any witness statements from the government with respect to the witnesses it will be calling at the hearing. The government says that they have been in contact with both law firms and have consequently identified four witnesses, *see* Dkt. 751 at 2 ("the government has reached out to both law firms . . . and been provided with the names of the individuals who are best able to address issues related to their respective retirement plans"), but they have not provided us with any notes or reports reflecting witness statements.

Second, we apologize for repeating ourselves but we do not have the ability to compel witnesses to testify without subpoena power. Accordingly, without subpoena power, it is impossible for us to name any prospective witness whom we will be able to call for the hearing. Without the most limited discovery, we have no ability to identify the right witnesses to subpoena and, without subpoena power, we do not have the ability to name someone who will be required to appear.

Finally, we respectfully ask the Court for the ability to name rebuttal witnesses after we learn what the government's witnesses will testify about at the hearing.

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Respectfully submitted,

/s/ Reed Brodsky

Reed Brodsky

cc: All Counsel of Record (Via ECF)